

## **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants:

1. Cancel claim 38 without prejudice or disclaimer.
2. Amend claims 1, 8, 19, 30, 35, 36, 45 and 46.
3. Add new independent claim 47 and claims 48 – 50.
4. Respectfully traverse all rejections.
5. Advise the Examiner of the simultaneous filing of a Petition to Extend.

### **B. PATENTABILITY OF THE CLAIMS**

Claims 1, 19, 25, 31, 35, and 36 stand rejected under 35 USC §103(a) allegedly as being obvious over Ziarno. The office action alleges that the system of Ziarno will work also in a shopping center, and that one ordinarily skilled in the art would recognize that the terminals of Ziarno are able to be used by both customers of a shopping center and persons giving donations (see the last paragraph of page 2 and the second paragraph of page 4 of the Office Action). Further, the Examiner apparently did not afford patentable weight to the language "to be withdrawn " and "for controlling (see the last paragraph of page 2 and point 4 of page 3 of the Office Action).

To clarify the claimed subject matter, claim 1 has been now amended to recite portable terminals having means for acquiring data relating to products to be purchased by the customers in a shopping center. Support for this added feature can be found on page 1, lines 17-21 and page 13, lines 29-30 of the application as filed.

Clearly, the terminals of Ziarno do not comprise means for acquiring data relating to products to be purchased in a shopping center. Thus, even if considered as being

suitable for collecting donations even in a shopping center, as asserted by the Examiner, the terminals of Ziarno certainly are not suitable for acquiring data relating to products to be purchased in the shopping center because they do not comprise means specifically provided for this purpose. Because the terminals of Ziarno do not comprise means for acquiring data relating to products to be purchased in a shopping center, it would not have been obvious for an artisan in the art to provide the terminals for collecting monetary contributions of Ziarno with means for acquiring data relating to products to be purchased by the customers.

As to the objection of points 3 and 4 of page 3 of the Office Action, Applicants firmly disagree. Ziarno does not disclose any means for identifying a customer as being enabled to use the portable terminals, not even means for communicating to the identified customer a corresponding terminal to be withdrawn. In fact, differently from the Applicant's invention, Ziarno teaches to let freely circulate the terminals among the contributors (column 32, lines 40-54) and the identification of the contributor is only intended to the verification or validation of his contribution by an information bearing card having indicia thereon (see column 32, lines 63-67 and column 33. lines 1-2), not certainly to check whether the contributor is enabled to use a corresponding portable terminal.

From the foregoing and other considerations, Applicants' claims are manifestly patentable over Ziarno. Yet further differentiating Applicants' claims over Ziarno, claims 1, 19 and 35 have been amended to recite that the data control and processing unit carries out the following three functions:

- identifying the customer by the identification means;
- associating a corresponding terminal to the customer previously identified, and

- communicating to each identified customer the corresponding terminal to be withdrawn by means of the communicating means.

Clearly, Ziarno neither discloses nor suggests any data control unit which carries out all of the three functions mentioned above, i.e., to identify the customer as being enabled to use the terminal, to select among the plurality of terminals a corresponding terminal to be associated to the identified customer, and (finally ) to communicate to the identified customer the corresponding terminal to be withdrawn. Rather, Ziarno teaches to use a remote computer to initialize the terminals for use in order to correlate the contributors to corresponding contributions (column 34, lines 11-18) and to provide a docking station where the terminals rest, down load information and/or recharge (column 30, lines 47-53). Clearly, this docking station does not perform the three functions which are carried out by the data control unit of the Applicants' claims.

The claim phrase "'for controlling'" has now been changed to "connected to", thereby providing the structural emphasis that should certainly deserve appropriate patentable weight. Ziarno does not disclose any data control and processing unit connected to the identifying means and the communicating means.

As to the objection of point 5 of page 3 of the Office Action, Applicants again firmly disagree. As discussed above, Ziarno does not disclose any control unit housed in a single housing with the cradles, the identifying means and the communication means.

The objection of point 6 of page 3 of the Office Action is entirely incorrect. The incorrect point 6 alleges that element 100 of figure 1 of Ziarno discloses "a plurality of cradles housed in a substantially flat portion of the housing provided in close proximity of the customer identifying means". But the truth is that element 100 of figure 1 of Ziarno is a schematic illustration of a terminal 100 which includes data storage 302 and

routines software S480, S520, S500. Therefore, Ziarno does not disclose any housing having a substantially flat portion in which the cradles are formed.

For the same reasons of above, also the objections to claims 2 and 3 are traversed (see points 7 and 8 of page 3 of the Office Action).

As to the objections to claims 6 and 36 (see point 11 of page 5 of the Office Action) neither Ziarno nor Danielson or Koenck disclose or fairly suggest to provide compartments with a lower aperture. Specifically, Danielson and Koenck disclose compartments which are closed downwards (see figure 4 and 10 of Danielson and figure 8 of Koenck). The provision of compartments which are open downwards, as in Applicants' claims, is advantageous as this allows to discharge small objects that may be accidentally inserted into the compartments and prevent dust gathering inside the compartments (see page 8, lines 7-10 of the application as filed).

The same considerations apply as to the objection of point 12 of page 5 of the Office Action, which is respectfully traversed. For these reasons, the subject matter of claim 38 has been incorporated into claim 36, and accordingly claim 38 has been cancelled. Claim 36 further is amended to state that the compartment has a first guiding wall, which better defines the structure and the function of the first compartment wall.

In view of the above, yet further reasons are provided for allowing claims 6 and 36.

As to the objection to claim 8, the proposal under the paragraph "Claim Objection" has been accepted. In addition thereto, to overcome the objection of point 13 of page 6 of the Office Action, Applicants have specified that the terminal support element is arranged inside each compartment, as shown on figure 2 as filed. Element 165 of figure 9 of Danielson, being outside the compartment, cannot be construed to be a terminal support

element arranged inside each compartment, as in the Applicant's invention. Claim 8 should thus now be allowed.

The objection to claim 9 (see specifically point 16 of page 6 of the Office Action), belies an incorrect understanding of the claimed feature. Figure 4 of Danielson shows that element 132 is not arranged outside the vertical projection of the first aperture because the lateral wall of the compartment are vertical.

Claims 30, 35, 45 and 46 have been amended to recite that at least a portion of the terminal are code reading devices provided with an interface for the connection to a personal terminal belonging to the customer. Support for this amendment can be found on page 27, lines 23-27 and page 28, lines 2-7. It is now clear that the customer can use personal terminal belonging to himself due to the interface provided into the terminal of the shopping center. The cited prior art does neither teach nor suggest to provide the prior art terminal with an interface for the connection to a personal terminal belonging to the customer. Thus, the objection to claim 30 (see point 33 of page 11 of the Office Action) are overcome and claims 30, 35, 45 and 46 should be allowed.

For reasons evident from the foregoing, Applicants respectfully traverse any allegation that Ziarno and Burke are analogous (see the second paragraph of page 16 of the Office Action).

New claim 47 corresponds to currently amended claim 1 with the added feature of a "multifunctional customer interface" disposed within the single housing to allow multifunctional communication with the customer. Support for this feature can be found on page 31, lines 1-2 of the application as originally filed. Claims 48-50 further describe this feature. The subject matter of claim 48 is disclosed on page 31, lines 1-2 of the application as originally filed, while the subject matter of claims 49 and 50 is disclosed on pending claims 13 and 18, respectively.

In view of the foregoing and other considerations, the Examiner has ample bases for withdrawing all prior art rejections and for allowing all claims. Accordingly, an indication of allowance is earnestly solicited.

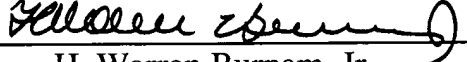
### C. MISCELLANEOUS

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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